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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,184	12/01/2003	Brian K. Revill	050885-0306961	1330
909	7590	06/04/2004	EXAMINER	
PILLSBURY WINTHROP, LLP P.O. BOX 10500 MCLEAN, VA 22102			PATEL, VISHAL A	
			ART UNIT	PAPER NUMBER
			3676	
DATE MAILED: 06/04/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/724,184

Applicant(s)

REVILL ET AL.

Examiner

Vishal Patel

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/1/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 20 objected to because of the following informalities: Claim 20, line 1, resistant should be changed to resistant. Appropriate correction is required.

Claims 1 and 8, the phrase "in the form of a frame" is confusing. Is the applicant claiming a frame or not? Claim 6, for example, gives the frame structure but claim 18 sets forth a frame. Perhaps applicant should say "A gasket comprising a frame". Clarification is needed.

Claim 19, line 1, "the frame", should be changed to --a frame--.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 7-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Breaker (US. 5,518,257).

Regarding claim 1:

Breaker discloses a gasket in the form of a frame having an inner peripheral edge (inner edge of 510) and an outer peripheral edge (outer edge of 510). The inner peripheral edge of the gasket being of continuously curved convex configuration (the curved convex configuration of 532) and being provided with a liner (526) of chemically resistant material conforming with the continuously curved inner peripheral edge.

Regarding claim 2:

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The liner is made of polytetrafluoroethylene (column 9, line 17-18, the liner 526 is similar to the liner 226 of figure 9).

Regarding claim 3:

The inner peripheral edge is part-circular in cross-section (532 have a part-circular cross-section).

Regarding claim 4:

The gasket has holes to accommodate sealing bolts (see figures).

Regarding claim 7:

The frame is of a configuration. The opposite faces of the gasket are planar.

Regarding claims 8-9:

A gasket (510) in the form of a frame having an inner peripheral edge and an outer peripheral edge and including a protrusion or nose (protrusion on 532) at the inner peripheral edge. The protrusion or nose extends around substantially the perimetral length of the frame (the gasket extends the perimetral length).

Regarding claim 10:

The protrusion or nose is provided on the inner peripheral edge of the gasket frame.

Regarding claim 11:

The protrusion or nose is of curved configuration (520 has a curved configuration).

Regarding claim 12:

The protrusion or nose is of curved bulbous configuration (532 has a curved bulbous configuration).

Regarding claim 13:

The gasket including a liner (526) of chemically resistant material provided on the inner peripheral edge and conforming to the configuration of the nose.

Regarding claim 14:

The liner is made of polytetrafluoroethylene.

Regarding claim 15:

The protrusion or nose is of a shape capable (able to) of *effecting a pinch seal when used with a second gasket (intended use) in the from of a frame having an inner peripheral edge and an outer peripheral edge, the inner peripheral edge of the gasket being of continuously curved convex configuration and being provided with a liner of chemically resistant material conforming with the continuously curved inner peripheral edge (intended use).*

Regarding claim 16:

The gasket is provided with a protrusion or nose on opposite sides thereof (532 has two protrusion or nose each on opposite sides thereof the gasket).

Regarding claim 17:

The frame is locally enlarged at the inner peripheral edge to from the nose which projects beyond the plane of the gasket on one side thereof to effect sealing contact (as seen if figure 9, frame of 210, 230 having protrusion or nose that projects beyond planes of the gasket and 226 is the liner).

Regarding claim 18:

The gasket has a frame (frame formed by gasket 510) *for compression with the frame of the second gasket of similar configuration between pair of flanges (intended use), the protrusion being resilient for effecting a pinch seal with a similar protrusion on a second gasket.*

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Regarding claims 19-20:

A gasket (510) effective *for compression together with a frame of a second gasket of similar configuration between a pair of flanges (intended use)*, the gasket comprising a frame (frame of 510) having a resilient protrusion (protrusion formed by 532) on one side thereof for effecting a pinch seal with *a similar protrusion on the second gasket (intended use)*, the resilient protrusion being located at or adjacent the inner periphery of the frame (532 is located at the inner periphery of the frame of the gasket 510) and remote from the outer periphery of the frame. The inner periphery of the gasket is protected by a chemically resistant liner (526), which extends over the protrusion. The chemically resistant liner comprises polytetrafluoroethylene.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breaker.

Breaker discloses the invention substantially as claimed above but fails to disclose a frame having a square or a rectangular configuration or the cross-section is of a rectangular cross-section. It would have been obvious to configure the annular frame of the gasket of Breaker to a form of a square or a rectangular, since having a gasket in the form of an annular configuration or a rectangular or a square would be just a matter of design choice and changing a shape of a gasket would be obvious to one having skill in the art. In re Dailey, 149 USPQ 47 (CCPA 1966).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Forry and Bender et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishal Patel whose telephone number is (703) 308-8495. The examiner can normally be reached on Monday through Friday from 7:30 PM to 4:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight, can be reached on (703) 309-3179.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2168. Technology Center 3600 Customer Service is available at 703-308-1113. General Customer Service numbers are at 800-786-9199 or 703-308-9000. Fax Customer Service is available at 703-872-9325.


Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: 703-872-9326, for formal communications for entry before Final action: or,
703-872-9327, for formal communications for entry after Final action.

Hand-delivered responses should be brought to Crystal Park Five, 2451 Crystal Drive, Arlington, Virginia, Seventh Floor (Receptionist suite adjacent to the elevator lobby).

VP
May 26, 2004


ALISON PICKARD
Primary Patent Examiner
Tech. Center 3600